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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,656	07/10/2003	William D. Denison	223058	9963
23460	7590	06/14/2005		
LEYDIG VOIT & MAYER, LTD			EXAMINER	
TWO PRUDENTIAL PLAZA, SUITE 4900			PAYNE, SHARON E	
180 NORTH STETSON AVENUE				ART UNIT
CHICAGO, IL 60601-6780				PAPER NUMBER
			2875	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,656	DENISON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sharon E. Payne	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 March 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 6 is/are rejected.

7) Claim(s) 2-5 and 7-10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language:

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al. (U.S. Patent 5,209,674).

Regarding claim 1, Foster et al. discloses a neon tube (reference number 10) having projecting conducting leads (reference number 20) from each of its ends (column 2, lines 60-66), conductive end caps (reference number 22) sealingly affixed to the tube ends in contact with the leads (column 2, lines 60-66) and forming plug ends for the tube (Fig. 3), power supply connector wires (reference number 98, Fig. 3) having boot ends (reference number 72, Fig. 3) containing receptacles connected to the wires (Fig. 3, right-hand side), and the receptacles being adapted to snap onto and off from the tube plug ends formed by the conductive end caps for quick placement and replacement of the neon tube (column 3, lines 45-55).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. in view of Trulaske, Sr. (U.S. Patent 5,584,547).

Regarding claim 6, Foster et al. discloses the step of forming a neon tubular lamp having a lamp tube (reference number 10) with conductive end caps (reference number 22) sealingly affixed to respective ends of the lamp tube to form end plugs of the lamp tube (Fig. 1), the lamp tube having a projecting conducting lead (reference number 20) from each of its ends (Fig. 1) and each conductive end cap (reference number 22) being

in contact with a respective projecting conducting lead (Fig. 1, reference number 20), providing booted end receptacles (reference number 32) for power supply wires to snap onto and off from the end plugs on the neon tubular lamp (Fig. 1, column 3 in lines 45-55) and providing brackets (reference number 26) adapted to removably receive the booted neon lamp for retaining it in position for illumination and quick removal for changing and replacement to the neon tubular lamp (column 3, lines 9-30). Foster et al. does not disclose brackets within the machine structure.

Trulaske, Sr. discloses the step of providing brackets (reference numbers 64 and 84) within the machine structure (Fig. 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the machine of Trulaske, Sr. with the apparatus of Foster et al. to refrigerate items and store them. See the column 1, lines 5-20, Trulaske, Sr.

#### ***Allowable Subject Matter***

6. Claims 2-5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose the following features:

1) booted end receptacles of the power supply wires including retaining means formed thereon adapted to be removably received by the brackets affixed to the machine as recited in claim 7; and

2) a connection between the end plugs and boot receptacles employing a tongue and groove as recited in claim 10.

Concerning claim 2, Foster et al. discloses the element of claim 1 for the reasons specified above, and Moulton (U.S. Patent 5,550,724) discloses the flexible and heat resistant boot ends. However, these references cannot be combined because a flexible boot end would not work in the Foster et al. apparatus.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800